

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/26/2009 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 11-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwamoto et al (JP No. 11011478) in view of Nakamura et al (JP No. 11350122) and Feiner (US Patent No. 5,582,114).

With respect to claims 1, 11-12, 17, and 30, Iwamoto et al discloses a double box container with figs. 3-4 depicting a rigid inner buffer member (i.e. retention frame) [58] defining a guide groove (i.e. void) [60] inside a rigid plastic inner box [50] having a lower plate [70] and upper plate [56] (abstract; p. 3, para 0017), where fig. 4 depicts said rigid

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buffer member [58] is continuous about and supports an outer peripheral edge of a rectangular substrate [62] placed in guide groove [60]. Figs. 3-4 depict the rigid plastic inner box [50] having the lower plate [70] and the upper plate [56] comprising a buffer member [64] that cushions and buffers the entire rectangular substrate [62] (para 0035-0036), with the rigid inner buffer member [58], said lower plate [70], and said upper plate [56] encapsulating and cushioning said substrate [62]. Fig. 1 depicts a rigid outer box [8] which surrounds the inner box [50] (abstract; p. 4, para 0032), where said outer box [8] is formed from wooden plywood panels (i.e. outer frame) [16], [18], a cover [20], and palette (comprising a top and bottom portion) [6] (p. 3, para 0027). However Iwamoto et al is limited in that while it is disclosed that the double box container protects the rectangular substrate inherently having opposite faces and the outer peripheral edge, such as thin sheets, from dust and contaminates, it does not specify the parts being a sputter target.

Nakamura et al teaches a sputter target composed of two or more metal sheets or foil to form a rectangular or circular sputter target (abstract; fig. 1). It is known to avoid having dust and other contaminates present on the metal foil to ensure purity in the sputter target and sputter deposited film.

It would have been obvious to one of ordinary skill to interchange the thin sheets of Iwamoto et al with the metal sheet or foil of Nakamura et al since both thin sheets require protection during transport to avoid contracting impurities.

However Iwamoto et al is further limited in that while a fork lift truck is suggested to transport the palette [6] via rigid stationary supports forming hollows [4] (p. 3, para

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0024), it is not suggested for the wheel for said for lift truck (i.e. man-powered transport) to be mounted directly to and integral with the bottom plate.

Feiner teaches a pallet capable, when supporting a load, of being alternately lifted and transported by a forklift having prongs or manually (i.e. man-powered) rolled across a floor (abstract), where figs. 2A-B depict said pallet (i.e. outer box) [10] having recesses (i.e. hollows) [20] formed by rigid stationary supports, an upper planar member [14], a lower planar member (i.e. bottom plate) [16] with wheels [40] enabling inclined, man-powered transport via handle assembly [50]. Figs. 2A-B also depict the wheels [40] directly and integral with the bottom plate [16] and adjacent only a rear edge of said bottom plate [16] and not adjacent an opposite front edge of said bottom plate [16], with the handle assembly [50] opposite said wheels [40] and above said bottom plate [16]. Despite Feiner not specifying the heights of the supports and wheels, it has been held where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device. Therefore it would have been obvious to one of ordinary skill in the art to have the height of the supports be smaller than, greater than, or equal to the height of the wheels since the relative heights all allow for the container to be inclined during transport. In addition though, figs. 2A-B does appear to depict the heights of the rigid supports forming the recesses [20] being greater than the height of the wheels [40], with said wheels [40] extending from the bottom plate [16] such that the pallet [10] is supported on said wheels [40] only when

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said pallet [10] is inclined on a floor face [12]. Feiner cites the advantage of using the man-powered transport via the handle assembly as enabling the load to be moved over relatively small distances that would be inconvenient or impossible to use a forklift (col. 1, lines 25-51).

It would have been obvious to one of ordinary skill in the art to use the man-powered transport taught by Feiner in place of the forklift of Iwamoto et al to gain the advantages of enabling the load to be moved over relatively small distances that would be inconvenient or impossible to use a forklift.

In addition since both Iwamoto et al and Feiner teach methods for transporting a pallet (or pallet), it would have been obvious to one of ordinary skill in the art to substitute the forklift for man-power to achieve the transport of said pallet.

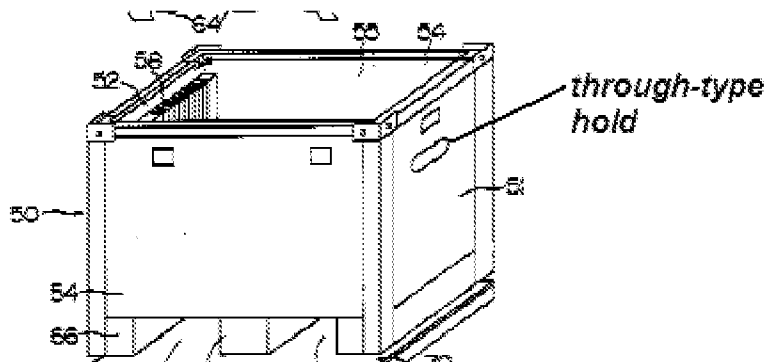
In addition since the prior art of Feiner recognizes the equivalency of a forklift and manual (i.e. man) power in the field of transporting a pallet (or pallet), it would have been obvious to one of ordinary skill in the art to replace the forklift of Iwamoto et al with the man-power of Feiner as it is merely the selection of functionally equivalent transporting mechanisms recognized in the art and one of ordinary skill would have a reasonable expectation of success in doing so.

With respect to claims 13, 18, and 22, modified Iwamoto et al further discloses in fig. 2 a metal fitting [44] on the wooden panels [16], [18] of the outer box [8].

With respect to claims 14, 19, 23, and 26, modified Iwamoto et al further discloses in fig. 3 a through-type hold on inner box [50] and adjacent an upper rim of

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said inner box [50]. The cropped figure below of fig. 3 serves to further clarify the through-type hold.



With respect to claims 15, 20, 24, and 27-28, modified Iwamoto et al further discloses in fig. 3 an impact-absorbing object [72] between the inner box [50] and outer box [8].

With respect to claims 16, 21, 25, and 29, modified Iwamoto et al further discloses in fig. 1 the cover [20] being removably affixed to the outer box [8].

## Response to Arguments

### 103 Rejections

4. Applicant's arguments with respect to claims 11 and 13-30 have been considered but are moot in view of the new ground(s) of rejection due to the new limitation requiring wheels for man-powered transport are mounted directly to and integral with said bottom plate.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Band whose telephone number is (571) 272-9815. The examiner can normally be reached on Mon-Fri, 9am-5pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexa Neckel can be reached on (571) 272-1446. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. B./

Examiner, Art Unit 1795

/Alexa D. Neckel/

Supervisory Patent Examiner, Art Unit 1795